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Open-ended inter-sessional ad hoc working group
on a permanent forum for indigenous people
Geneva, 15-19 February 1999

Proposals for the possible establishment of a permanent forum for indigenous people

Note by the Secretariat

Brief technical presentation of the structure of the United Nations

INTRODUCTION

1. The aim of the present note is to give a brief introductory technical presentation of the structure of the United Nations, in order to facilitate the discussions on the proposed establishment of a permanent forum for indigenous peoples within the United Nations.

2. The United Nations has six Charter-based organs: the General Assembly, the Security Council, the Economic and Social Council, the Trusteeship Council, the International Court of Justice and the Secretariat.

3. However, this note contains only information about the Economic and Social Council and the General Assembly because they have so far been identified as the most relevant organs in the context of a permanent forum for indigenous peoples. The specialized agencies and the rest of the above-mentioned United Nations organs are therefore not included in this paper.

THE GENERAL ASSEMBLY

4. The Assembly consists of all 185 Members of the United Nations. It is mandated to discuss any questions or matters within the scope of the Charter of the United Nations or relating to the powers and functions of any organ provided for in the Charter. In accordance with Article 10 of the Charter of the United Nations, the General Assembly may make recommendations to Members of the United Nations or the Security Council or both on any questions or matters except disputes or situations in respect of which the Security Council is currently exercising its functions.

5. The General Assembly, as the highest body of the United Nations, receives and considers reports from the other organs of the United Nations. It elects the 10 non-permanent Members of the Security Council, the 54 Members of the Economic and Social Council and Members of the Trusteeship Council.

6. The General Assembly appoints the Secretary-General of the United Nations on the recommendation of the Security Council.

7. The General Assembly considers and approves the regular budget of the United Nations and apportions the expenses among Member States.

8. In accordance with Article 18 of the Charter, each Member of the General Assembly have one vote.

9. It is stated in Article 13 of the Charter, that the General Assembly shall initiate studies and make recommendations for the purpose of promoting international cooperation in the political field and encouraging the progressive development of international law and its codification. Moreover, for the purpose of promoting international cooperation in the economic, social, cultural, educational and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.

I. SUBSIDIARY BODIES OF THE GENERAL ASSEMBLY

10. The following type of bodies are established directly under the General Assembly under its rules of procedure: (1) main committees; (2) procedural committees; (3) standing committees; and (4) subsidiary bodies ad hoc bodies.

A. Main committees

11. The General Assembly has six main committees. These committees correspond to the major fields of responsibility of the General Assembly. The main committees, which are intergovernmental bodies, consider agenda items referred to them by the General Assembly and prepare recommendations and draft resolutions for submission to the General Assembly plenary.

12. The General Assembly has established the following six main committees: First Committee, disarmament and international security issues; Second Committee, economic and financial issues; Third Committee, social,

humanitarian and cultural issues; Fourth Committee, special political and decolonization issues; Fifth Committee, administrative and budgetary issues; and Sixth Committee, legal issues.

13. Human rights issues, including the implementation of the Programme of Action for the International Decade of the World's Indigenous People are considered by the Third Committee.

B. Procedural committees

14. The General Assembly has two committees dealing with procedural matters: the General Committee dealing with the agenda of the Assembly and the general conduct of its work, and the Credentials Committee.

C. Standing committees

15. The General Assembly has established two Standing Committees, which are mandated to deal with continuing problems during and between its regular sessions: (1) Advisory Committee on Administrative and Budgetary Questions, and (2) Committee on Contributions.

16. The individual Members of the Standing Committees are appointed by the General Assembly on the recommendations of the Fifth Committee on the basis of broad geographical representation, personal qualifications and experience.

D. Subsidiary and ad hoc bodies

17. The General Assembly has established a number of subsidiary and ad hoc bodies. These bodies can be divided into four main categories: (1) Intergovernmental bodies; (2) Reform Working Groups; (3) Advisory bodies; and (4) Expert bodies.

1. Intergovernmental subsidiary bodies

18. A number of intergovernmental subsidiary bodies have been established at the General Assembly level, inter alia: (1) the Ad hoc Committee on the Indian Ocean; (2) the Committee on Conferences; (3) the Committee on the Exercise of the Inalienable Rights of the Palestinian People; and (4) the Conference on Disarmament, and the Intergovernmental Negotiating Committee for the Elaboration of an International Convention to Combat Desertification.

2. Reform Working Groups

19. During the last Decade, the General Assembly has established a number of ad hoc working groups, inter alia, the ad hoc open-ended Working Group on an Agenda for Development.

3. Advisory bodies

20. The General Assembly has established some advisory bodies. These bodies are either intergovernmental or comprised of individual experts. For example, the Advisory Committee of the United Nations Programme of Assistance in the

Teaching, Study, Dissemination and Wider Appreciation of International Law is an intergovernmental body, while the Advisory Board on Disarmament Matters is comprised by individual Members appointed by the Secretary-General.

II. THE ECONOMIC AND SOCIAL COUNCIL (ECOSOC)

21. It is decided in Article 61 of the Charter of the United Nations that the Economic and Social Council (ECOSOC) shall consist of 54 Members of the United Nations, elected by the General Assembly.

22. In accordance with Article 62 of the Charter, ECOSOC may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and may make recommendations with respect to any such matters to the General Assembly, to the Members of the United Nations, and to the specialized agencies concerned.

23. Furthermore, ECOSOC is mandated to make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all. It may also prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence. Moreover, it may call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence (see Article 62, paras. 2-4 of the Charter).

24. ECOSOC is mandated to establish any commission that may be required for the performance of its functions. It is stated in Article 68 of the Charter that "the Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions."

25. ECOSOC shall invite any Member of the United Nations to participate in its deliberations on any matter of particular concern to that Member. However, only Members of the United Nations that also are Members of ECOSOC have the right to vote (see Article 69 of the Charter).

26. ECOSOC may also make arrangements for representatives of the specialized agencies of the United Nations to participate, without a vote, in the deliberations and in those of the commissions established by it (see Article 70 of the Charter).

27. In accordance with Article 71 of the Charter, ECOSOC is mandated to make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence.

A. Subsidiary bodies of ECOSOC

28. ECOSOC has four types of subsidiary bodies: functional commissions; standing committees; regional commissions; and expert bodies.

1. Functional commissions

29. ECOSOC has established nine intergovernmental functional commissions. They submit proposals, recommendations and reports to ECOSOC pertaining to

matters that are covered by their mandate. Functional commissions are also mandated to set up sub-commissions and working groups, if authorized by ECOSOC. (See Chapter V of Rules of Procedure of the Functional Commissions of the Economic and Social Council.)

30. ECOSOC has established the following nine functional commissions: (1) Commission on Human Rights; (2) Commission on Sustainable Development; (3) Commission for Social Development; (4) Commission on Narcotic Drugs; (5) Commission on Population and Development; (6) Commission on the Status of Women; (7) Statistical Commission; (8) Commission on Science and Technology for Development; and (9) Commission on Crime Prevention and Criminal Justice.

2. Standing committees

31. ECOSOC has established three standing committees, which also are intergovernmental bodies directly under ECOSOC. There is no great difference between standing committees and functional commissions, in fact one of the three standing committees is a commission.

32. ECOSOC has established the following three standing committees: (1) Commission on Human Settlements (HABITAT); (2) Committee for Programme and Coordination; and (3) Committee on Non-Governmental Organizations.

33. It may be noted that the Committee on Non-Governmental Organizations consists of 19 governmental representatives, appointed by ECOSOC. It reviews applications for consultative status from non-governmental organizations and recommends whether they may be granted such a status with ECOSOC. The Committee on Non-Governmental Organizations is also responsible for the implementation of resolution 1995/32 of the Commission on Human Rights, which provides a procedure for indigenous organizations to participate in the working group of the Commission on Human Rights on a draft United Nations declaration on the rights of indigenous peoples.

3. Regional commissions

34. ECOSOC has five regional commissions, which are intergovernmental bodies dealing with regional matters. The following five regional commissions exist under ECOSOC: Economic Commission for Africa; Economic and Social Commission for Asia and the Pacific; Economic Commission for Europe; Economic Commission for Latin America and the Caribbean, and Economic and Social Commission for Western Asia.

4. Expert bodies

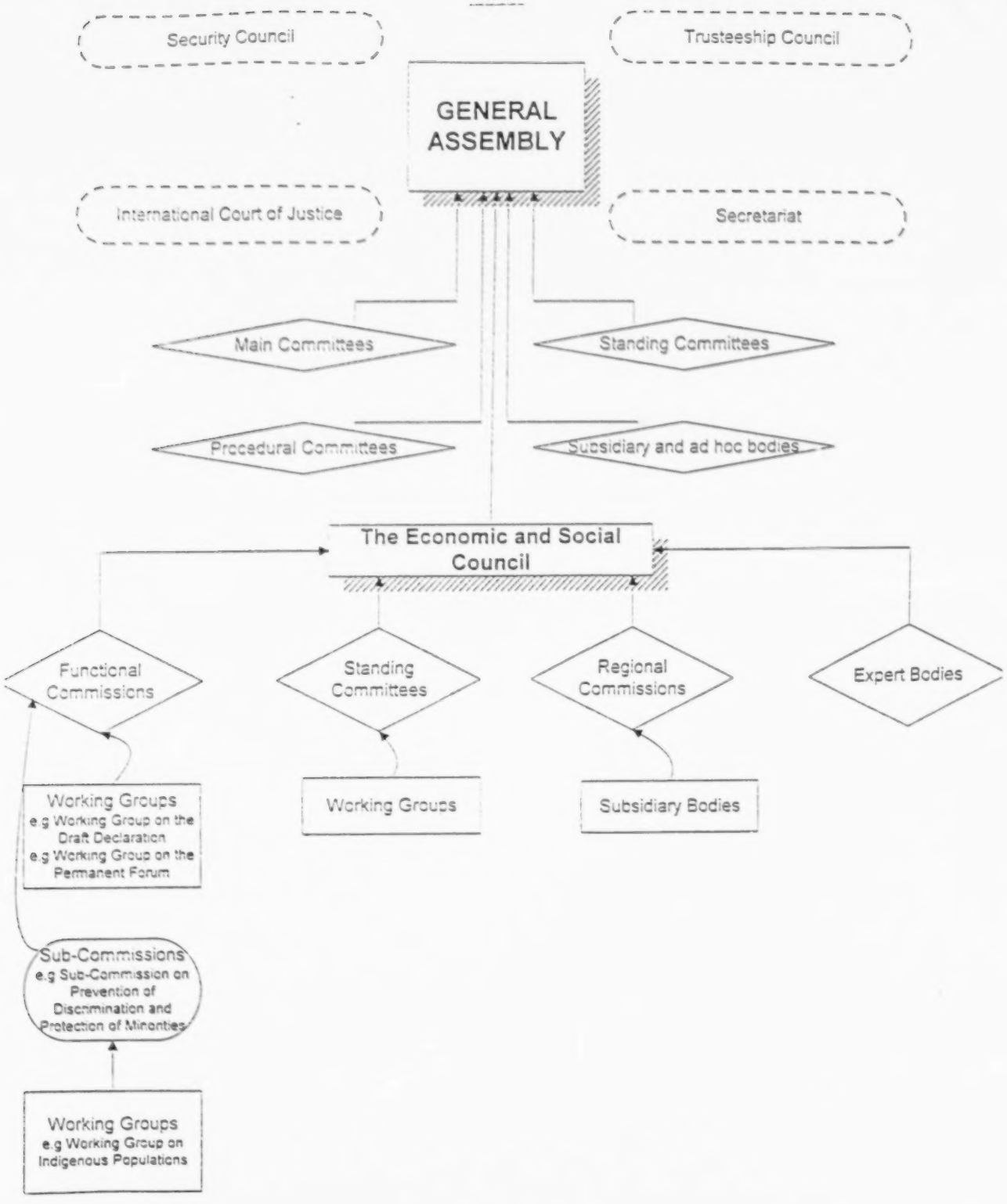
35. ECOSOC has established 14 thematic expert bodies. These bodies are comprised of persons serving in their individual capacity as experts and not as the representatives of States. However, in some expert bodies the members are governmental experts.

36. ECOSOC has established the following expert bodies: (1) Ad Hoc Group of Experts on International Cooperation in Tax Matters; (2) Committee for

Development Planning; (3) Committee of Experts on the Transport of Dangerous Goods; (4) Committee on Economic, Social and Cultural Rights; 1/ (5) Committee on Natural Resources; (6) Committee on New and Renewable Sources of Energy and on Energy for Development; (7) Meeting of Experts on Public Administration and Finance; (8) United Nations Group of Experts on Geographical Names; (9) Administrative Committee on Coordination; (10) Organizational Committee; (11) Consultative Committee on Administrative Questions; (12) Consultative Committee on Programme and Operational Questions; (13) Inter-Agency Committee on Sustainable Development, and (14) Inter-Agency Committee on Women.

1/ Unlike the five other human rights treaty bodies, the Committee on Economic, Social and Cultural Rights is not established by its corresponding instrument.

Annex


Security Council
Trusteeship Council
GENERAL ASSEMBLY
International Court of Justice
Secretariat
Main Committees
Standing Committees
Procedural Committees
Subsidiary and ad hoc bodies
The Economic and Social Council
Functional Commissions
Standing Committees
Regional Commissions
Expert Bodies
Working Groups
e.g Working Group on the Draft Declaration
e.g Working Group on the Permanent Forum
Working Groups
Subsidiary Bodies
Sub-Commissions
e.g Sub-Commission on Prevention of Discrimination and Protection of Minorities
Working Groups
e.g Working Group on Indigenous Populations